

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TOMMY WHITE, SR. #M1572

PLAINTIFF

VS.

CIVIL ACTION NO. 3:09-661 TSL-FKB

CHRISTOPHER EPPS, et al.

DEFENDANTS

O R D E R

This cause came on this date to be heard upon the report and recommendation of the United States magistrate judge, and the court, having fully reviewed the report and recommendation of the United States magistrate judge entered in this cause on or about September 13, 2010, and being duly advised in the premises, finds that said report and recommendation should be adopted as the opinion of this court.

IT IS, THEREFORE, ORDERED that the report and recommendation of United States Magistrate Judge F. Keith Ball entered on or about September 13, 2010, be, and the same is hereby, adopted as the finding of this court.

IT IS FURTHER ORDERED that the defendants' motion for summary judgment and for stay be, and the same is hereby granted, and plaintiff's complaint is dismissed without prejudice for failure to exhaust.

IT IS SO ORDERED, this the 5th day of October, 2010.

/s/Tom S. Lee

UNITED STATES DISTRICT JUDGE